

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ANTHONY PAUL GONZALES
41 Cedar Walk, Suite 4113
Long Beach, CA 90802

Registered Nurse License No. 643879

Respondent.

Case No. 2007-104

OAH No. L-2007030671

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 30, 2007

It is so ORDERED.

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FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 ANTHONY PAUL GONZALES
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Long Beach, CA 90802

14 Registered Nurse License No. 643879

15 Respondent.

Case No. 2007-104

OAH No. L-2007030671

16 **STIPULATED SETTLEMENT AND**
17 **DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Brian G. Walsh, Deputy Attorney General.

25 2. Respondent Anthony Paul Gonzales Anthony Paul Gonzales (Respondent)
26 is representing himself in this proceeding and has chosen not to exercise his right to be
27 represented by counsel.

28 3. On or about August 30, 2004, the Board of Registered Nursing issued
Registered Nurse License No. 643879 to Respondent. The License was in full force and effect at

1 all times relevant to the charges brought in Accusation No. 2007-104 and will expire on
2 October 30, 2007, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 2007-104 was filed before the Board of Registered
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on October 17, 2006. Respondent timely filed his Notice of Defense contesting the Accusation.
8 A copy of Accusation No. 2007-104 is attached as exhibit A and incorporated herein by
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 2007-104. Respondent has also carefully read, and fully understands the
13 effects of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
17 the right to present evidence and to testify on his own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2007-104.

26 9. Respondent agrees that his Registered Nurse License is subject to
27 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
28 Disciplinary Order below.

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1 **Severability Clause.** Each condition of probation contained herein is a separate
2 and distinct condition. If any condition of this Order, or any application thereof, is declared
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
5 and enforceable to the fullest extent permitted by law.

6 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
7 A full and detailed account of any and all violations of law shall be reported by Respondent to
8 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
9 compliance with this condition, Respondent shall submit completed fingerprint forms and
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
11 as part of the licensure application process.

12 **Criminal Court Orders:** If Respondent is under criminal court orders, including
13 probation or parole, and the order is violated, this shall be deemed a violation of these probation
14 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

15 2. **Comply with the Board's Probation Program.** Respondent shall fully
16 comply with the conditions of the Probation Program established by the Board and cooperate
17 with representatives of the Board in its monitoring and investigation of the Respondent's
18 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
19 within no more than 15 days of any address change and shall at all times maintain an active,
20 current license status with the Board, including during any period of suspension.

21 Upon successful completion of probation, Respondent's license shall be fully
22 restored.

23 3. **Report in Person.** Respondent, during the period of probation, shall
24 appear in person at interviews/meetings as directed by the Board or its designated
25 representatives.

26 4. **Residency, Practice, or Licensure Outside of State.** Periods of
27 residency or practice as a registered nurse outside of California shall not apply toward a reduction
28 of this probation time period. Respondent's probation is tolled, if and when he resides outside of

1 California. Respondent must provide written notice to the Board within 15 days of any change of
2 residency or practice outside the state, and within 30 days prior to re-establishing residency or
3 returning to practice in this state.

4 Respondent shall provide a list of all states and territories where he has ever been
5 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
6 provide information regarding the status of each license and any changes in such license status
7 during the term of probation. Respondent shall inform the Board if he applies for or obtains a
8 new nursing license during the term of probation.

9 5. **Submit Written Reports.** Respondent, during the period of probation,
10 shall submit or cause to be submitted such written reports/declarations and verification of actions
11 under penalty of perjury, as required by the Board. These reports/declarations shall contain
12 statements relative to Respondent's compliance with all the conditions of the Board's Probation
13 Program. Respondent shall immediately execute all release of information forms as may be
14 required by the Board or its representatives.

15 Respondent shall provide a copy of this Decision to the nursing regulatory agency
16 in every state and territory in which he has a registered nurse license.

17 6. **Function as a Registered Nurse.** Respondent, during the period of
18 probation, shall engage in the practice of registered nursing in California for a minimum of 24
19 hours per week for 6 consecutive months or as determined by the Board.

20 For purposes of compliance with the section, "engage in the practice of registered
21 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
22 work in any non-direct patient care position that requires licensure as a registered nurse.

23 The Board may require that advanced practice nurses engage in advanced practice
24 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
25 Board.

26 If Respondent has not complied with this condition during the probationary term,
27 and Respondent has presented sufficient documentation of his good faith efforts to comply with
28 this condition, and if no other conditions have been violated, the Board, in its discretion, may

1 grant an extension of Respondent's probation period up to one year without further hearing in
2 order to comply with this condition. During the one year extension, all original conditions of
3 probation shall apply.

4 7. **Employment Approval and Reporting Requirements.** Respondent
5 shall obtain prior approval from the Board before commencing or continuing any employment,
6 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
7 performance evaluations and other employment related reports as a registered nurse upon request
8 of the Board.

9 Respondent shall provide a copy of this Decision to his employer and immediate
10 supervisors prior to commencement of any nursing or other health care related employment.

11 In addition to the above, Respondent shall notify the Board in writing within
12 seventy-two (72) hours after he obtains any nursing or other health care related employment.
13 Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated
14 or separated, regardless of cause, from any nursing, or other health care related employment with
15 a full explanation of the circumstances surrounding the termination or separation.

16 8. **Supervision.** Respondent shall obtain prior approval from the Board
17 regarding Respondent's level of supervision and/or collaboration before commencing or
18 continuing any employment as a registered nurse, or education and training that includes patient
19 care.

20 Respondent shall practice only under the direct supervision of a registered nurse
21 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
22 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
23 are approved.

24 Respondent's level of supervision and/or collaboration may include, but is not
25 limited to the following:

26 (a) Maximum - The individual providing supervision and/or collaboration is
27 present in the patient care area or in any other work setting at all times.

28 (b) Moderate - The individual providing supervision and/or collaboration is in

1 the patient care unit or in any other work setting at least half the hours Respondent works.

2 (c) Minimum - The individual providing supervision and/or collaboration has
3 person-to-person communication with Respondent at least twice during each shift worked.

4 (d) Home Health Care - If Respondent is approved to work in the home health
5 care setting, the individual providing supervision and/or collaboration shall have person-to-
6 person communication with Respondent as required by the Board each work day. Respondent
7 shall maintain telephone or other telecommunication contact with the individual providing
8 supervision and/or collaboration as required by the Board during each work day. The individual
9 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
10 site visits to patients' homes visited by Respondent with or without Respondent present.

11 9. **Employment Limitations.** Respondent is approved to continue to work
12 for his current employer, First Class Nurses, Inc. Should Respondent leave his current
13 employment with First Class Nurses, Inc. for any reason, Respondent shall obtain the Board's
14 approval before accepting subsequent employment.

15 Respondent shall not work in any health care setting as a supervisor of registered
16 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
17 nurses and/or unlicensed assistive personnel on a case-by-case basis.

18 Respondent shall not work as a faculty member in an approved school of nursing
19 or as an instructor in a Board approved continuing education program.

20 If Respondent is working or intends to work in excess of 40 hours per week, the
21 Board may request documentation to determine whether there should be restrictions on the hours
22 of work.

23 10. **Complete a Nursing Course.** Respondent, at his own expense, shall
24 enroll and successfully complete a course relevant to the practice of registered nursing no later
25 than six months prior to the end of his probationary term.

26 Respondent shall obtain prior approval from the Board before enrolling in the
27 course. Respondent shall submit to the Board the original transcripts or certificates of
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1 completion for the above required course. The Board shall return the original documents to
2 Respondent after photocopying them for its records.

3 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
5 amount of \$5,640.25. Respondent shall be permitted to pay these costs in a payment plan
6 approved by the Board, with payments to be completed no later than three months prior to the
7 end of the probation term.

8 If Respondent has not complied with this condition during the probationary term,
9 and Respondent has presented sufficient documentation of his good faith efforts to comply with
10 this condition, and if no other conditions have been violated, the Board, in its discretion, may
11 grant an extension of Respondent's probation period up to one year without further hearing in
12 order to comply with this condition. During the one year extension, all original conditions of
13 probation will apply.

14 12. **Violation of Probation.** If Respondent violates the conditions of his
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
16 aside the stay order and impose the stayed revocation of Respondent's license.

17 If during the period of probation, an accusation or petition to revoke probation has
18 been filed against Respondent's license or the Attorney General's Office has been requested to
19 prepare an accusation or petition to revoke probation against Respondent's license, the
20 probationary period shall automatically be extended and shall not expire until the accusation or
21 petition has been acted upon by the Board.

22 13. **License Surrender.** During Respondent's term of probation, if he ceases
23 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
24 probation, Respondent may surrender his license to the Board. The Board reserves the right to
25 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
26 take any other action deemed appropriate and reasonable under the circumstances, without
27 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
28 will no longer be subject to the conditions of probation.

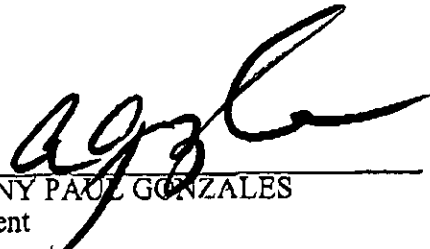
1 Surrender of Respondent's license shall be considered a disciplinary action and
2 shall become a part of Respondent's license history with the Board. A registered nurse whose
3 license has been surrendered may petition the Board for reinstatement no sooner than the
4 following minimum periods from the effective date of the disciplinary decision:

- 5 (1) Two years for reinstatement of a license that was surrendered for any
6 reason other than a mental or physical illness; or
7 (2) One year for a license surrendered for a mental or physical illness.

8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order. I
10 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
11 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
12 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

13 DATED: 7-15-07

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16 ANTHONY PAUL GONZALES
Respondent


17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
20 Affairs.

21 DATED: July 12, 2007

22 EDMUND G. BROWN JR., Attorney General
of the State of California

23 MARC D. GREENBAUM
24 Supervising Deputy Attorney General

25 
26 BRIAN G. WALSH
27 Deputy Attorney General

28 Attorneys for Complainant

Exhibit A
Accusation No. 2007-104

1 BILL LOCKYER, Attorney General
of the State of California
2 BRIAN G. WALSH, State Bar No. 207621
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2535
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-104

12 ANTHONY PAUL GONZALES
129 Bennett Avenue, Unit A
Belmont Shores, CA 90803

A C C U S A T I O N

13 Registered Nurse License No. RN 643879

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
20 (Board), Department of Consumer Affairs.

21 2. On or about August 30, 2004, the Board issued Registered Nurse License
22 No. RN 643879 to Anthony Paul Gonzales (Respondent). The Registered Nurse License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
24 2008, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing,
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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8. California Code of Regulations, title 16, section 1444, states:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.”

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

10. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and (f) and 490 of the Code on the grounds of unprofessional conduct as defined in the California Code of Regulations, title 16, section 1444, in that Respondent was convicted of a crime which is substantially related to the qualifications, functions and duties of licenced registered nurse, as follows:

a. On or about December 2, 2005, in *People v. Gonzales* (Super. Ct. Case No. 5LM08613), Respondent pled nolo contendere to one count of violating Penal Code section 243, subdivision (e)(1), a misdemeanor (battery against a former spouse or fiancé), and one count of violating Penal Code section 166, subdivision (c)(1), a misdemeanor (contempt of court in a pending domestic violence case). The Court found Respondent guilty on both counts. Respondent was placed on three years summary probation under various terms and conditions, including that he attend a domestic violence counseling program.

b. The circumstances surrounding the conviction are that on or about October 29, 2005, Long Beach Police Officers responded to a report of domestic violence involving Respondent. After arguing with his girlfriend in his apartment, Respondent pushed her toward the door, causing her to fall. Respondent then held his girlfriend down on the ground with the downward pressure of his hand, making it difficult for her to breathe, and resulting in a scrape and redness on the neck.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. RN 643879, issued to Anthony Paul Gonzales.

2. Ordering Anthony Paul Gonzales to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 10/17/66

Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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